MEMORANDUM

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Los Angeles County Sheriff's Department

Homicide Bureau 1 Cupania Circle

Monterey Park, California 91755

FROM:

JUSTICE SYSTEM INTEGRITY DIVISION

Los Angeles County District Attorney's Office

SUBJECT:

Fatal Officer Involved Shooting of Marco Vazquez

Non-Fatal Officer Involved Shooting of

J.S.I.D. File #19-0424

L.A.S.D. File #019-07153-1578-015

DATE:

August 24, 2022

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the October 6, 2019, fatal shooting of Marco Vazquez, Jr. and non-fatal shooting of by Los Angeles County Sheriff's Department (LASD) Sergeant Vincent Cisneros, and Deputies Patricia Miramontes and Gregory Nickell. We have concluded that there is insufficient evidence to prove they did not act in lawful self-defense at the time they fired their weapons.

The deputies were involved in a shooting that killed Marco Vazquez. When they fired at Marco, they accidentally struck

The District Attorney's Command Center was notified of this shooting on October 7, 2019, at approximately 2:28 a.m. The District Attorney Response Team responded to the location. They were given a briefing and walk-through of the scene by LASD Lieutenant Derrick Alfred.

The following analysis is based on reports, recorded interviews, video recordings, and photographs submitted to this office by the LASD Homicide Bureau. No compelled statements were considered in this analysis. The deputies were not equipped with body worn video cameras.

SUMMARY

On October 6, 2019, LASD deputies stationed at the Pico Rivera Sheriff's Station responded to two separate domestic disturbance calls at the home of Marco Vazquez, Jr. All of the responding deputies were in clearly marked black and white vehicles and wore LASD uniforms. The first call was placed at 8:10 p.m. The last of the deputies left the scene at 10:29 p.m. A second call for service at the same house went out at 10:33 p.m. The second caller indicated Vazquez was suicidal, experiencing hallucinations, and under the influence of methamphetamine. When the

deputies responded to the second call. Vaz	quez was armed with a kitchen knife and a deputy
involved shooting occurred.	was standing behind Marco Vazquez, in the
background as the deputies fired in Marco	's direction. The deputies' gunfire inadvertently
grazed foot.	

FACTUAL ANALYSIS

Witness Statements1

Deputy Gregory Nickell

Nickell was assigned to a patrol vehicle as a single man unit on the day of the incident. At 8:10 p.m., he responded to a call regarding a domestic disturbance at a residence on Rexall Avenue in Whitter. The caller, a said the disturbing party, later identified as Vazquez, lived at the home.

As he drove to the location, Nickell coordinated assisting units and discussed less lethal force options with other responding deputies. Prior to the deputies' arrival, the call was updated with the information that Vazquez was armed with a machete. The dispatcher did not say whether Vazquez had threatened or attacked anyone with the weapon. Based on the information that Vazquez was armed, Nickell activated his lights and siren. The call was updated again to say that Vazquez was no longer armed and that the family had taken the machete and hid it under the couch cushions.

As the deputies arrived, they gathered outside the house. A woman who Nickell could not identify, but who stated she was related to Vazquez, approached the deputies and told them Vazquez was having a schizophrenic episode. She reported that Vazquez had a history of drug use and she believed he was under the influence of methamphetamine at the time. She went on to say that there were six people in the house with Vazquez but there were no weapons inside.

The deputies illuminated the home and called residents out one by one. Everyone left the home except Vazquez, who refused to step outside. Family members called Vazquez and spoke to him over the phone. They were unable to coax Vazquez out of the house. The family gave the phone to Deputy Kenneth Felix, who reassured Vazquez the deputies were there to help. The deputies called the Mental Health Evaluation Team (MET) for assistance.

When the MET arrived, Clinician Jamie Ore spoke to Vazquez over the phone. Ore told Nickell and the other deputies that Vazquez did not say anything about harming anyone, including himself. He was only concerned about his safety. The deputies remained on scene for approximately two hours. During that time, Vazquez exited his house for short periods and reentered it. Nickell noticed Vazquez had no visible injuries. Nickell was not aware that Vazquez had committed any crimes. Nickell understood the MET clinician determined Vazquez did not meet criteria for an involuntary psychiatric hold pursuant to Welfare and Institutions Code section 5150. The deputies determined there was nothing more they could do to help.

All interviews were recorded.

Nickell said the deputies explained to the family that the deputies were leaving the scene. Once the family indicated they felt safe around Vazquez and did not protest the deputies' withdrawal, the deputies left.

Approximately 20 to 30 minutes later the station received another call for service at the same house. On this occasion, the dispatcher informed the responding deputies that Vazquez was suicidal, possessed a machete, and wanted to be shot by the police.

By the time Nickell returned to the area, the call was updated to say that Vazquez was inside the home. The deputies on scene began to coordinate their response. Deputy Ramirez drove to the residence and illuminated it with his spotlight. Sergeant Cisneros walked towards the driveway with Nickell following him. Nickell was armed with a stun bag shotgun. Four to five adults Nickell recognized from the earlier call approached the deputies on foot from the direction of Vazquez's residence. Nickell said they had a "panicked" look on their faces. They told the deputies that Vazquez did not have the machete, but they were unaware if he had any other weapons in his possession.

Suddenly, Nickell heard women's voices yelling in panic and a voice he recognized as Vazquez's shouted, "Fuck you bitch! Look what you've done to me. I'm going to get you!" Nickell and Cisneros ran northbound towards the residence. The woman and Vazquez continued yelling as the deputies ran, but Nickell could not understand what they were saying.

When Nickell and Cisneros arrived at the end of the driveway, Nickell saw Vazquez holding a large kitchen knife and slashing at a woman who was three to four feet away from Vazquez. The woman was holding her hands up in a defensive manner as she tried to back away from Vazquez. Nickell believed Vazquez was trying to slash or kill the woman. Nickell recognized the woman from his earlier visit but could not remember her relationship to Vazquez. Other people were near the woman, but Vazquez seemed focused on the woman.

Cisneros told Vazquez to drop the knife three times as the woman continued to back away from Vazquez. Vazquez turned to his right, facing Cisneros. As Vazquez turned, the woman and the other people near him fled across the driveway to safety.

Nickell described Vazquez's expression as "the most intense face" he had ever seen in his life and Vazquez had "pure rage" in his eyes. Vazquez charged at Cisneros with the knife in his right hand with the blade pointed up. Nickell was certain Vazquez would stab Cisneros and himself. In fear for his life and for that of Cisneros, Nickell drew his duty weapon and shot four to six rounds at Vazquez. As Nickell fired his duty weapon, he heard the other deputies fire gunshots. Vazquez fell to the ground face down.

Nickell estimated Vazquez was 17 to 18 feet away when he started charging at Cisneros and himself, and seven to eight feet away when Nickell fired. Nickell kept his duty weapon trained on Vazquez after Vazquez fell to the ground because Vazquez was still holding the knife. Nickell gave commands to Vazquez to drop the knife and push it away. Vazquez was unresponsive to Nickell's commands and the knife stayed under his body.

Family members began to gather around Vazquez. The deputies moved them away from Vazquez so that they could provide medical aid. Three deputies rendered CPR until Los Angeles Fire Department (LAFD) personnel arrived and assumed medical assistance.

At some point Nickell noticed that the knife was on the side of the driveway, away from Vazquez's body, but he did not know how it got there.

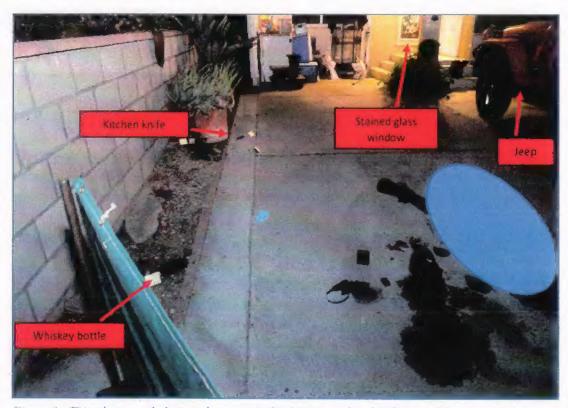


Figure 1. This photograph depicts the scene in the driveway when LASD investigators arrived.



Figure 2. This photograph shows two knives recovered on the side of Vazquez's driveway following the incident:



Figure 3. This photograph shows the spread of spent carridge cases following the deputy involved shooting. All of the cases that investigators recovered are shown with their respective evidence markers except evidence item #8, a .45 caliber carridge case, which was found on the sidewalk near the front passenger wheel of the black car on the right side of the Image.

Nickell was armed with a Smith & Wesson 9mm pistol. A round count conducted in the hours after the shooting indicated he fired five shots.

Deputy Patricia Miramontes

Miramontes also responded to the initial call for service at Vazquez's home. When she arrived, she called the residents out of the home one by one. Each of the residents left the house except for Vazquez. Among the residents at the scene were Vazquez's and

Vazquez owned a big rig tractor that was parked across the street. There was a woman inside the tractor and Vazquez's family members became very agitated when they saw her. Miramontes learned the woman inside the tractor was named and she was Vazquez's Miramontes discovered that had a warrant for her arrest, so Miramontes arrested her.

When she returned to Pico Rivera Sheriff's Station, Miramontes booked into the jail. Before Miramontes could finish booking there was a second call for service at Vazquez's home. Miramontes responded. As Miramontes arrived at house the second time, the call was updated with the information that Vazquez was outside the home, armed with a knife. She met with other responding deputies at an intersection a few houses south of Vazquez's home and they developed a strategy for approaching Vazquez. Once everyone had his or her assignment, the deputies approached the house on foot. Miramontes could hear deputies telling the residents to leave the location and family members began to run from the house towards the deputies.

Miramontes heard someone screaming for help. Based on the urgency of the tone, Miramontes believed the person screaming was in life-threatening danger and she began to run towards the sound with other deputies. She stopped at the south end of the driveway; Cisneros was next to her; and Nickell was on Cisneros' other side. Vazquez was scuffling with members of his family, then turned to look at the deputies. Miramontes saw that he had a knife in his hand. The knife was a large kitchen knife with a white handle and an eight to ten-inch blade. Vazquez yelled, "You did this bitch!" and Cisneros shouted, "Drop the knife! Drop the knife!" Vazquez ran towards the deputies with the knife raised and the blade pointed towards Miramontes as he ran. Vazquez looked "evil." Miramontes saw "rage in his eyes" and had no doubt that Vazquez intended to kill her and her partners. He was directly in front of her with the knife when she fired her duty weapon at him multiple times, striking him. Miramontes believed Vazquez was five to seven feet away when she shot. Miramontes was aware that other deputies fired their weapons simultaneously with her.

Vazquez fell face forward and family members rushed to him. Three to four family members were on top of the suspect. Miramontes wanted to help Vazquez, so she told a woman who she believed was Vazquez's to get up so Vazquez could be medically treated. Once the family members were pulled away from Vazquez, Deputy Stephenson began to perform CPR on Vazquez.

Miramontes was armed with a 9mm Berretta handgun. A round count conducted at Pico Rivera Station following the incident indicated Miramontes fired three rounds. Physical evidence

recovered at the scene and the round count were consistent with Miramontes discharging three rounds.

Deputy Richard Ramirez

Ramirez was in full uniform driving a marked black and white police vehicle when he responded to both calls for service at Vazquez's house. When interviewed by investigators, his account of the events was substantially similar to the narratives provided above. He added that when the deputies were dispatched to the Vazquez home the second time, the operator informed the deputies that Vazquez was armed with a knife and wanted the police to kill him.

Ramirez was the first deputy to arrive on the scene in response to the second call. He parked at the intersection a few houses south of the location and saw several family members "huddled up" and standing south of the home. Ramirez instructed the family members to walk away from the house to the corner, which they did.

Nickell and Cisneros arrived at the scene and the deputies devised a plan to approach the house. Cisneros instructed Ramirez to drive north of the residence to prevent Vazquez from escaping in that direction as the other deputies approached from the south. As Ramirez drove past Vazquez's house, he saw Vazquez fighting with someone in the threshold of the front door. It appeared Vazquez threw a punch at someone. Other people were nearby, but because Ramirez was driving, he did not take in all the details.

Ramirez got out of his car and saw Vazquez in the driveway close to the house holding a knife with an eight-inch blade in his left hand. Cisneros, Nickel, and Miramontes were standing at the other end of the driveway, near the street, approximately 12 to 15 feet away from Vazquez.

Vazquez turned to face the deputies and Cisneros ordered him to drop the knife. Vazquez charged at the deputies, holding the knife at waist level. Ramirez believed Vazquez intended to stab Cisneros. All three discharged their duty weapons at him. Vazquez fell to the ground and family members rushed to him, laying on top of him and crying. The family members were moved away from Vazquez. Ramirez handcuffed Vazquez as Vazquez laid on the ground. Ramirez rolled Vazquez over and saw that there were two knives underneath him. Someone kicked the knives away from Vazquez. After confirming Vazquez was no longer a threat. Ramirez removed the handcuffs and began rendering medical aid until paramedics arrived.

Sergeant Vincent Cisneros

Cisneros was working as the field sergeant wearing full uniform driving a marked black and white police vehicle when he responded to both calls for service at Vazquez's house.

When he responded to the first call, Cisneros was present when Miramontes ordered the family members out of the house. The deputies interviewed the family members. Members of the family told the deputies that Vazquez is schizophrenic and had not been taking his medication. Although he possessed a knife, Vazquez had not threatened anyone with it. He only had the knife in the event someone wanted to hurt his family. Vazquez had ingested methamphetamine

street from the house. The deputies requested the assistance of a MET, which arrived after 20 to 30 minutes. The MET personnel included a sheriff's deputy and a clinician, who both spoke to Vazquez. Vazquez repeatedly stepped out of the house, shouted at the deputies, then went back inside. Deputy Felix also spoke to Vazquez over the phone. They both tried to get and Vazquez's Vazquez to come outside, but he refused. Deputies contacted Vazquez in the truck. When got out of the truck. the family rushed at her to attack her. The deputies protected and detained her without further incident. Vazquez repeatedly exited and re-entered the house, remaining outside for only a short time and always staying a good distance away from the deputies. At one point, Vazquez spoke to Parga and Cisneros. Vazquez was holding a bottle of whiskey but did not appear drunk. He also did not appear to be armed. Cisneros did not believe Vazquez presented a threat to himself or anyone else at that time. Cisneros spoke to the MET members who said Vazquez did not meet the criteria for a 5150 hold. The MET members said they were unable to adequately evaluate Vazquez because he refused to stay outside long enough for them to complete an evaluation. Cisneros determined that due to the fact Vazquez had not committed a crime and did not meet the criteria for a 5150 hold, there was nothing more the deputies could do to ameliorate the situation. Cisneros spoke to Vazquez's and his He explained the deputies could not detain Vazquez for committing a crime nor did he meet the criteria for a 5150 hold. The family said they were not afraid of Vazquez and they intended to go into the house to get a few belongings and then leave the home and stay elsewhere for the night. After briefing the Watch Commander on the situation, Cisneros decided law enforcement should leave the location. Cisneros and other deputies waited several minutes to ensure the family was safe to go inside the house. When the deputies saw the family entered the house without incident they left. Cisneros returned to the station. A short time later a second call to the same location was dispatched. The dispatch communicated that the call was of an attempted suicide and the caller was Vazquez's . Additionally, information was relayed indicating Vazquez was armed with a machete and wanted police to shoot him. Cisneros responded to the second call. He arrived with Miramontes, Nickell, and Ramirez who all parked at the intersection south of the home. The four deputies began formulating a plan to address the situation when Cisneros saw family members rushing out of the home looking frightened. Cisneros then heard a male voice screaming as if he was seriously hurt, followed by

had provided to him, and she was in his truck, which was parked across the

several other people screaming. Cisneros believed that people were either being hurt or were

extremely scared.

Nickell, Cisneros, and Miramontes (in that order) approached on the house on foot as multiple people continued screaming. When the deputies reached the end of the driveway, they saw Vazquez at the far end of the driveway, close to the garage. Vazquez was approximately 20 feet away from Cisneros. Vazquez was holding a knife and slashing at a woman who was backing away from him.

Cisneros shouted, "Drop the knife!" twice. Vazquez turned towards Cisneros and the woman fled from him towards the front door. Vazquez immediately advanced towards the deputies with a fast-paced walk. Vazquez held knife in his right hand with the blade pointing up. Cisneros said Vazquez's expression was one of rage and his body language was "intense, focused, and determined." Cisneros had no doubt Vazquez intended to kill him. Due to the fact Vazquez presented an imminent deadly threat, Cisneros concluded less lethal force was not an option. Cisneros fired four shots at Vazquez. Cisneros discharged his duty weapon when Vazquez was 12 to 13 feet away from him. Cisneros could not tell if the bullets he fired struck Vazquez, but saw Vazquez fall to the ground on his stomach.

Vazquez's family screamed and jumped on Vazquez. Cisneros told the family to get away from Vazquez so medical treatment could be administered, but they failed to comply, so the deputies had to physically remove them from Vazquez. The deputies handcuffed Vazquez, rolled him onto his side, and located the knife beneath him. Cisneros kicked the knife away from Vazquez's body. The handcuffs were removed from Vazquez's wrists and the deputies began to administer CPR until LAFD paramedics arrived and assumed medical care for Vazquez.

Cisneros was armed with a .45 caliber semiautomatic handgun. A round count conducted after the incident indicated that there was space in his magazine for four more cartridges. The overall evidence supports the conclusion that Cisneros fired two to four rounds.

Deputy Angelica Vega

Vega was in uniform and responded to the initial call for service in a marked patrol car with Deputy Frank Parga. When they arrived. Vega and Parga joined the deputies at the scene as they developed a plan to approach the house. Vega was assigned to stay with the family, keep them safe, and prevent them from interfering with the other deputies. Vega spoke to Vazquez's behavior was consistent with the way he normally acted when he was using methamphetamine. All of the women said they did not feel threatened by Vazquez's behavior.

Told Vega that Vazquez's was inside his truck, which was parked across the street from the house. She said provided Vazquez with methamphetamine. Said she called the police herself and told them Vazquez had a machete. She was afraid of Vazquez.

Vega remained at the scene as Vazquez exited and reentered the house while the deputies tried to convince Vazquez to come out so the MET could evaluate him. After two hours, the family said they were not afraid of Vazquez and wanted to go back inside the house. Once the deputies

concluded Vazquez had not committed any crimes, was not a danger to himself or anyone else, and refused to leave the house to be evaluated, the deputies left.

Vega responded to the second call for service at the Vazquez residence, but did not arrive until after the deputy involved shooting occurred. When she arrived, she had a conversation with who said Vazquez was having an affair and using drugs. She told Vega that nobody in the family ever said they were afraid of Vazquez.

Deputy Michael Stephenson

Stephenson was on patrol on the day of the incident and responded to both calls for service at the Vazquez residence. While Stephenson was en route to the scene, he was directed to take a position behind the house for containment. As he arrived at his position behind the house, he heard six to seven gunshots.

Stephenson left his vehicle and ran towards the sound of the gunfire to provide assistance. He arrived to see Vazquez lying face down on the ground. When deputies rolled Vazquez over, Stephenson saw a large kitchen knife in Vazquez's right hand and a pocket-knife attached to his belt. At some point the knives were separated from Vazquez and Stephenson helped provide CPR.

Deputy Frank Parga

Parga was in full uniform and responded to the first call with Vega. When he arrived at the Vazquez home, he was assigned to the arrest team. As the deputies attempted to coax Vazquez out of the house, Parga spoke to Vazquez about Parga's service in the Marines and how much Vazquez loved being a trucker.

Vazquez seemed agitated but Parga did not think Vazquez would hurt himself or others. Vazquez seemed coherent and was able to carry on a conversation.

Parga responded to the second call for service but did not arrive until after the officer involved shooting occurred.

Deputy Brandon Walker

On the day of the incident, Walker was assigned to the MET. Walker's usual practice was to obtain mental health information as he responded to the scene. In this instance, Walker was unable to obtain mental health information for Vazquez and Vazquez had no prior history with the Department of Mental Health.

When he arrived at Vazquez's residence, he and fellow MET team member Jamie Ore spoke to Vazquez's family members, especially and one of his They described Vazquez's extensive history of drug use and multiple mental breakdowns. Vazquez's relatives said Vazquez believed "shadow people" lived in the shed in the back yard and that there were people around the house trying to harm his family.

Walker spoke to Vazquez over the phone and convinced Vazquez to come outside. When Vazquez saw the deputies, he refused to come to edge of the driveway. Vazquez spoke to another deputy on the phone for approximately 20 minutes until Vazquez went back into the house.

The MET was unable to determine whether Vazquez was a danger to himself because Vazquez did not remain outside the house long enough for a clinician to perform an examination Eventually, the watch commander gave the sergeant at the scene approval to disengage and Walker was told the deputies would be leaving. Due to safety concerns, the MET cannot work with a subject without deputies present.

Vazquez's did not believe Vazquez presented a danger to her. Vazquez did not have a knife or machete and Vazquez never indicated he would harm himself or others

Kendall Sandler

Sandler is a Mental Health Clinical Supervisor. She responded to the first call at Vazquez's home and saw Vazquez in the driveway speaking to three deputies. Eventually, the deputies told Vazquez's family they were going to leave because Vazquez had not committed a crime. The family became upset and asked the deputies what they should do because they had been dealing with Vazquez for two weeks. The deputies asked the family if they were willing to leave the location for the night to avoid a confrontation with Vazquez. The family members said they needed their keys and belongings from inside the house. Told one of Vazquez's to go inside the home to get their belongings because Vazquez was not mad at his

One of the deputies video-recorded himself telling family members that if they entered the home they would be doing so of their own volition. Sandler believed the family was unhappy the deputies were leaving but did not know what the deputies could do to help

The MLT personnel are willing to stay and help if they have law enforcement support and security. She was not aware of threats Vazquez made to anyone or any behavior that would have made him a candidate for a 5150 hold.

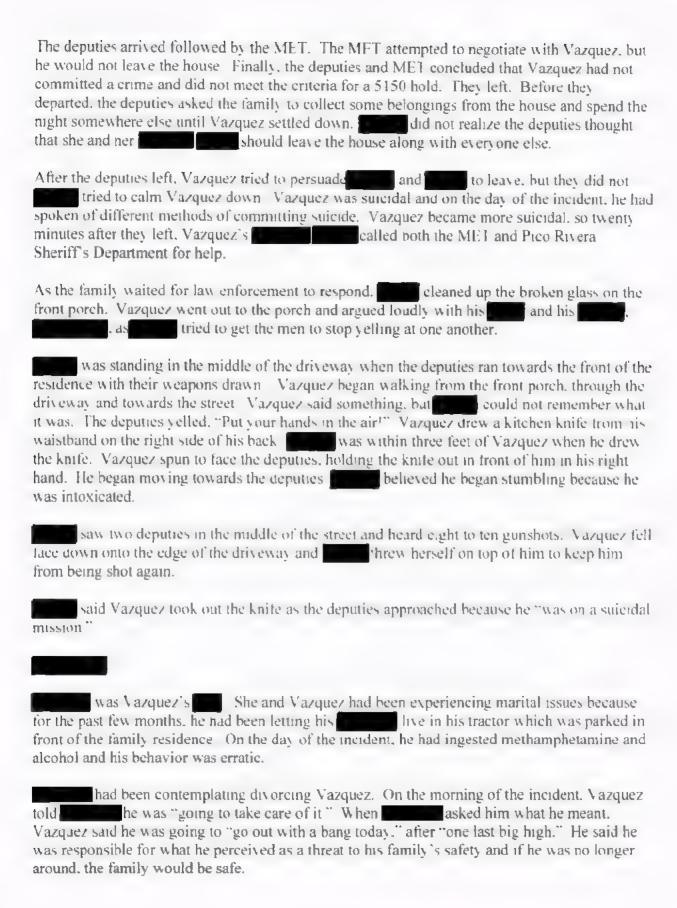
Jamie Ore

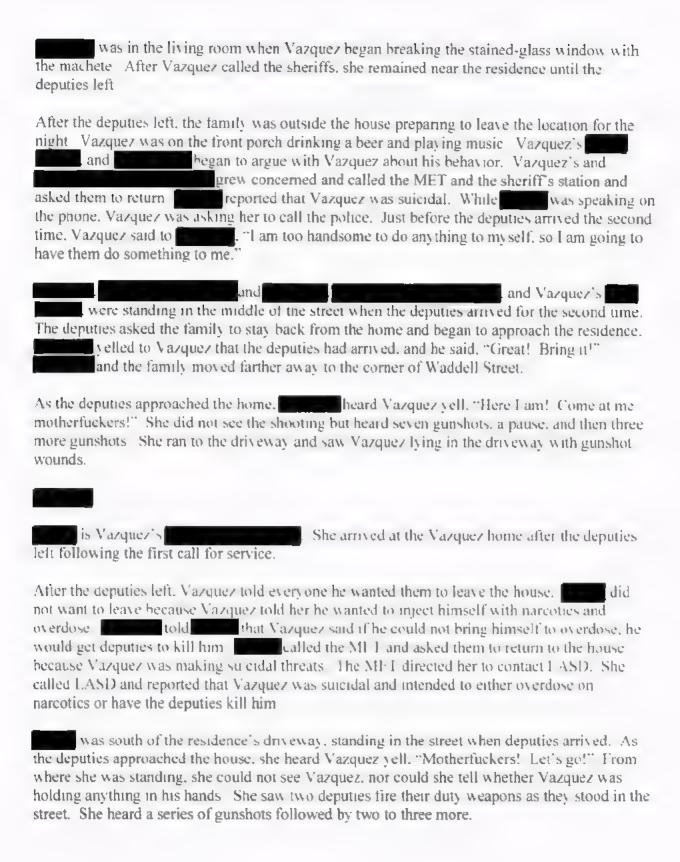
Ore was a clinician assigned to the MFI and responded to the call for service with Walker. She was provided the information that a barricaded man with a machete was breaking windows. She did not receive any mental health history for Vazquez.

There were many deputies at the scene when Ore arrived Ore spoke to who said Vazquez was paranoid and was under the influence of methamphetamine. Vazquez believed his family was intent on harming his current family and he was in possession of a machete because he was "going to take care of them." It told Ore that Vazquez had recently been hospitalized on a 5150 hold after the family called law enforcement for assistance

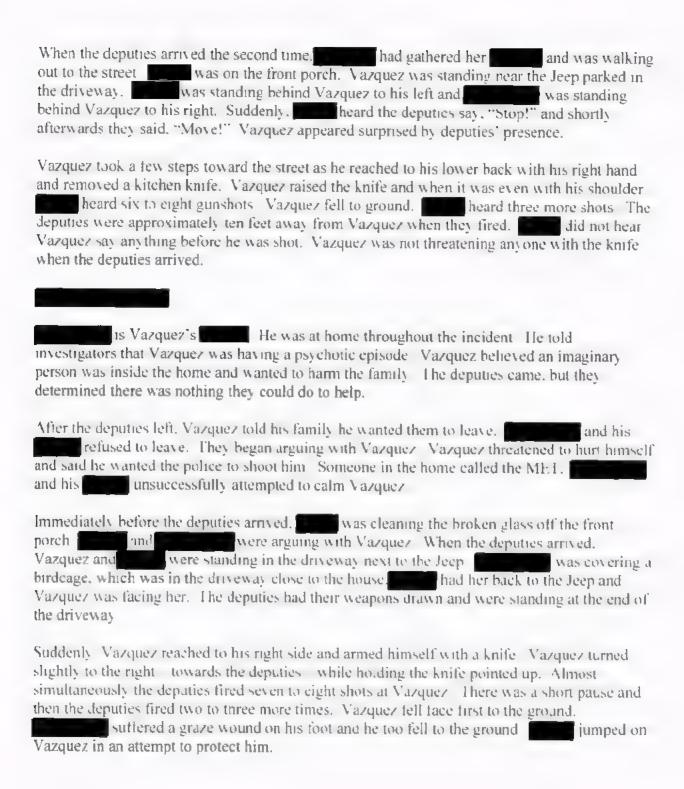
convince him to exit the house. She began to fill out the paperwork for a 5150 commitment, but in order to effectuate a 5150 hold, the evaluating clinician is required to conduct a face-to-face assessment of the subject. Ore collected Vazquez's medical information from Per Per Vazquez was diagnosed with paranoid schizophrenia in 2012. He stopped taking medications in 2015 and was "a little paranoid" when he was not under the influence of methamphetamine. For the preceding three weeks. Vazquez carried a machete and kept it under the bed. Vazquez experienced ha lucinations of shadow people that had been more pronounced during the preceding three weeks. Ore was at the scene for approximately an hour. She saw a deputy recording a conversation with the before they decided that they would leave the scene Investigators interviewed Vazquez's at approximately 3:25 a.m. on October 7. 2019 Vazquez was diagnosed in 2012 with paranoid schizophrenia during a prison incarceration. He had a prescription for anti-psychotic medication, but he refused to take his medication properly. Approximately two months prior to the incident he started using methamphetamine, which aggravated his psychotic episodes. Vazquez became verbally hostile when he was under the influence of methamphetamine but was not physically violent. During psychotic episodes. Vazquez believed people were harming his family. She said that the night before. Vazquez was experiencing a severe psychotic episode and was under the influence of alcohol and methamphetamine. She saw him drinking whiskey from a bottle in the driveway. On the day of the incident, he was experiencing a psychotic episode. He searched the house with a machete to ensure that nobody was there to harm the family. When told Vazquez that his visions were not real, he became agitated and it was not safe for them to come home. Vazquez left the home but returned a short time later with the machete. Vazquez's . locked the front door and refused to let Vazquez into the house with the machete. After arguing with his through the closed screen door. Vazquez used the machete to smash a stained-glass window beside the side of the door. Vazquez called 9-1-1 and reported that people were in his house trying to harm his family. At that point. called 9-1-1 herself. She told the operator that Vazquez was experiencing a psychotic episode, possessed a machete, and was trying to get into the house to protect his family. eventually let Vazquez into the house to get him to stop breaking the window. When Vazquez entered the house, he put the machete under a couch cushion and sat down on it. When Vazquez got up to use the bathroom. hid the machete behind the couch called 9-1-1 to let law enforcement know that Vazquez was no longer armed

Ore spoke to Vazquez over the telephone. During the conversation she tried to gain his trust and





is Vazquez's
After the sheriffs left. planned to leave the house, but Vazquez became agitated and made suicidal threats. He told everyone to leave so he could overdose
was on the street with several of her family members when the deputies returned. She was approximately a car length south of the driveway of her house. As the deputies approached the house, her held her head turned away from the house. She therefore did not see the shooting, but moments before she heard the gunfire, she heard Vazquez scream. "Come at me motherfuckers!" She estimated that she heard seven to ten gunshots.
He arrived at the Vazquez residence after deputies left following the first call for service.
When the shooting occurred, was standing in the street near the house. Sa.d Vazquez was standing in the middle of the driveway. I did not see anything in Vazquez's hands as he stood in the driveway facing the deputies and nothing obstructed his view of Vazquez's hands
As the deputies approached the driveway. Vazquez said, "Come at me," and then heard six gunshots, a pause and then two to three more gunshots. He did not hear the deputies give any commands prior to the shooting
is Vazquez's Police were initially called to his house because Vazquez was breaking a window. Vazquez was not acting aggressively towards the family members. When the deputies arrived, the family exited the house and the deputies were able to calm Vazquez.
Deputies discovered a woman did not know in Vazquez's truck. They arrested her Before they left, the deputies suggested it would be best for the family to leave home.
When the deputies left, went in the house. Vazquez was speaking about an imaginary person in the home who was trying to harm his family. Vazquez searched for the imaginary person but could not find anyone told Vazquez to go outside to get air Vazquez went outside and wanted to play music. Told him to go to bed and Vazquez argued.





did not hear the deputies say anything before they fired their weapons. Vazquez did not wave or point the knife at anyone. Vazquez would not have hurt the family.

said Vazquez is a recovering addict who has had mental issues for ten years.

Vazquez had been drug-free for three years but relapsed a few months ago. Vazquez told
that he was tired of his life and wanted to end it. Vazquez believed his
family members wanted to harm Vazquez's family and Vazquez wanted to protect
them

was Vazquez's and lived a short from the Vazquez's home. She said Vazquez had been using methamphetamine in the past three weeks. Recently he was arrested and hospitalized for 72 hours. Since his release, he began experiencing psychotic episodes. On the day of this incident, Vazquez called to talk to her about people who wanted to harm his family. It was concerned and decided to go to Vazquez's house.

As she walked up to the house, she heard glass breaking. When she got to the porch, she saw that the window near the front door was broken. Inside, Vazquez was acting bizarrely and carrying a machete. Vazquez told that people were inside the home and wanted to harm his family. She told him nobody was in the house. She later was told he had been drinking whiskey and was under influence of methamphetamine.

A short time later, the deputies arrived and spent approximately an hour trying to convince Vazquez to go outside. Finally, they explained to the Vazquez family that it was not safe for them to stay at the home and they left

Vazquez wanted the rest of the family to leave the house called law enforcement to tell
them that Vazquez was suicidal was on the front porch cleaning up broken glass.
and Vazquez were arguing and joined in the argument left the
house with a same and a varquez hugged as she left
Vazquez was not armed.
As and the rest of the family walked down the driveway, two sheriff's vehicles arrived
Another deputy was "creeping" on foot towards the driveway armed with a shotgun. A deputy
directed and the others to the northwest corner of the driveway. She heard Vazquez say
something and then she heard shots fired immediately afterwards. did not see the
shooting The deputies never commanded Vazquez to drop a weapon or put up his hands
The state of the s

Physical Evidence

Spent Cartridge Cases

Investigators recovered a total of ten spent cartridge cases at the end of the driveway, and in the street and gutter immediately adjacent to the driveway. Of the ten cartridge cases, eight were "9mm I uger FC" cartridge cases and two were "Winchester 45 auto" cartridge cases.

Alcohol Containers

Two alcohol containers were recovered from the planter on the south side of the driveway—one 375-milliliter "Seagrams 7" whiskey bottle was partially empty and a 12-ounce bottle of beer was empty.

Knives

I wo knives were also recovered on the south side of the driveway. A black folding knife with a blade approx mately three inches long was partially opened. A kitchen knife with a blade that was approximately eight inches long was recovered nearby

Deputies recovered a black machete with a 12-inch blade behind the couch in the living room



Videos

Prior to his departure after the first call for service. Cisneros recorded an interview with and In the video recording. Cisneros said to each woman that Vazquez had not committed any crime and each of them agreed with Cisneros. Cisneros explained to that if she felt as if Vazquez were a danger to himself or the family, the deputies would detain him. He confirmed with and that they intended to return to the house and retrieve belongings so they could stay elsewhere for the evening. Each woman told Cisneros that she felt safe going into the home with Vazquez.

Autopsy

On October 9, 2019. Deputy Medical Examiner Doctor Zuhha Ashraf performed an autopsy on Vazquez's body Dr. Ashraf determined the cause of death was due to multiple gunshot wounds. Vazquez suffered eleven gunshot wounds. The entrance wounds for the gunshots were: right front scalp, right shoulder, right upper chest, mid lower chest, left abdomen, left upper back, right lower chest, right upper thigh, and right upper arm. There were also two graze wounds to Vazquez's left thigh and a possible graze wound to his scrotum

A forensic analysis of Vazquez's blood detected the presence of methamphetamine. Vazquez's chest blood had a blood alcohol content (BAC) of 0.116%, his femoral blood had a BAC of 0.039%; and his vitreous BAC of 0.046%.

LEGAL ANALYSIS

In evaluating whether a police officer's use of force was reasonable, it is helpful to draw guidance from the objective standard of reasonableness adopted in civil actions alleging Fourth Amendment violations. "The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than the 20-20 vision of nindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, ancertain, and rapidly evolving—about the amount of force that is necessary in a particular situation." *Graham v. Connor* (1989) 490 U.S. 386, 396-397.

In protecting himself or another, a person may use all the force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. CAI CRIM No. 3470. If the person's beliefs were reasonable, the danger the person perceived need not to have actually existed Id.

According to the law in California, a person acted in lawful self-defense or defense of another if (1) he reasonably believed that he or someone else was in imminent danger of being killed or suffering great bodily injury. (2) he reasonably believed that the immediate use of deadly force was necessary to defend against that danger, and (3) he used no more force than was reasonably necessary to defend against that danger. CALCRIM No. 505. The People have the burden of proving beyond a reasonable doubt that a person did not act in lawful self-defense or defense of another. If the People fail to meet this burden, a jury must find the defendant not guilty CALCRIM No. 3470.

Marco Vasquez Fatal Officer-Involved Shooting

In this case, Vazquez was acting erratically. He was under the influence of methamphetamine, experiencing paranoid hallucinations, and suicidal. He had expressed a desire to force the deputies to kill him. There was a machete in Vazquez's house and he possessed it immediately prior to the deputies' arrival. When called LASD for assistance the second time, she reported that Vazquez wanted the deputies to kill him. The deputies were aware of all of these

facts prior to their arrival when they responded to the second call. The deputies were therefore aware they were entering a situation that was dangerous for themselves and others. These facts are undisputed.

Fach of the deputies who witnessed the deputy involved shooting were consistent in their description of events prior to the shooting. Each of the deputies reported that as they approached the house, they heard shrieks of pain or fear and ran towards the driveway. When they reached the driveway, Vazquez was wielding a knife and slashing at a woman—who was retreating from him. Cisneros repeatedly told Vazquez to drop the knife. Each of the deputies was struck by the rage in Cisneros' expression as he turned towards them. Vazquez ran towards the deputies with the knife extended. Each of the deputies stated he or she believed that if he or she did not employ deadly force. Vazquez would kill him or her. A kitchen knife with an eightinch blade was recovered at the scene, which is consistent with the deputies' account of events. Under the scenario described by each of the deputies each of the deputies acted in lawful self-defense or defense of others when they fired their weapons to end the deadly threat each believed Vazquez posed.

Members of the Vazquez family contradicted several aspects of the deputies' description of events. None of the family members reported hearing panicked screaming prior to the shooting Several family members reported Vazquez making a confrontational exclamation, such as, "Come at me!" which none of the deputies mentioned. None of the family members said Vazquez slashed at prior to the shooting or even had a knife in his hands when the deputies arrived at the end of the driveway. None of the family members heard any deputy telling Vazquez to drop the knife prior to firing.

No definitive proof exists that would demonstrate which version of events is the most correct. The fact that two knives were found in close proximity to Vazquez after the officer involved shooting tends to corroborate the deputies' statements that he was armed with a deadly weapon. Given the available evidence, it is impossible to disprove the deputies were in honest and reasonable fear for their lives or the lives of their fellow deputies.

Non-Fatal Officer-Involved Shooting

If a defendant commits an act accidentally—without the intent required for a particular crime he or she cannot be found guilty of that crime—CALCRIM 3404. However, if someone commits an assault with a deadly weapon, that person may be criminally liable even without the intent to use force against that person or without the knowledge that harm might occur to another when he or she committed the assaultive act—*People v Williams* (2001) 26 Cal.4th 779, 790.



There is no evidence that the deputies intended to shoot. The evidence indicates that suffered the graze wound to his foot because he was in the driveway behind Vasquez when the police fired at Vazquez and that was struck accidentally. The deputies fired their weapons from the end of the driveway towards the house, in other words, they generally fired from an east to west direction. reported that he was putting the cover on the birdcage at the end of the driveway near the house when the officer involved shooting occurred in the driveway. Therefore would have been in the background, directly behind Vazquez when the deputies fired their duty weapons. I ach of the deputies said he or she fired at Vazquez, not I ven though the deputies shot accidentally, they could still be liable for committing an assault with a deadly weapon if they willfully did an act that "by its nature would directly and probably would result in the application of force to someone." CAI CRIM 875. The law of self-defense shields the deputies against criminal hability for assault with a deadly weapon. If the deputies acted in reasonable self-defense when they fired at Vazquez and accidentally struck they cannot be convicted of assault against Because it is impossible to disprove the deputies fired in self-defense, they should not be charged with assault with a deadly weapon against

CONCLUSION

We find that there is insufficient evidence to disprove that Sergeant Vincent Cisneros, and Deputies Patricia M.ramontes and Gregory Nickell acted lawfully in self-defense when they used deadly force against Marco Vazquez, Jr. and accidentally struck

COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT A TRADITION OF SERVICE INCIDENT REPORT # OF ADULT ARRESTS CRIMINAL INACTIVE IS PENDING CLASSIFICATION 3 / LEVEL / STAT COOR CLASSIFICATION 4 / LEVEL / STAT COOR ADDITIONAL STAT CODES ** ASAF / 83 CL GANG RELATED / 1601 D CYBER-RELATED CRIME / 552 CO FIREARNI RELATED / 1150 CYBER CRIME / 55) CYPER - RELATED INCIDENT PION - CRIMINALLY 550 COTHER. D PRINTS REDUESTED REQUESTED BY C PRINTS COMPLETED 9001160 CODE: - V-VICTIM W-WITNESS 1-INFORMANT ** R - REPORTING PARTY ** MUDDLE NAME DRIVER'S LICENSE / STATE D INCENT RESIDENCE PHONE (Area Code) 949-343) VICTIN OF OFFENSE(S) (CLASSIFICATION) #: VICTIM DESIROUS OF PROSECUTION? VICTIM OF SEX CRIME DESIROUS OF CONFIDENTIALITY? ENGLISH SPEAKINGT, STYES TO NO PYES DINO □ YES PHID LANGUAGE .. PATRICIA MODI E NAME BACE 008 DRIVER'S LICENSE / STATE D RESIDENCE PHONE (Area Gode) 7-044-3431 DELL PHONE (Area Code) VICTA OF OFFENSE(8) (CLASSIFICATION) & VICTIM OF SEX CRIME DESIROUS OF CONTIDENTIALITY? ENGLISH SPEAKING? 27 YES (I) NO VICTIM DESIROUS OF PROSECUTION? DARS DND DYES ZINO LANGUAGE SV - SUSPECT / VICTIM 8 - SUSPECT - SJ - SUBJECT M - PATIENT -. BJ / V - SUBJECT / VICTOR CODE: CODE -LIIDDLE NAME ANTONI 510 **STAT** RESIDENCE PHONE (Area Code) STATE BUSINESS PHONE (Area Cotta) AKA **BMAIL ADDRESS BOCIAL NETWORKING ACCOUNT** ENGLISH EPEAKING? () YES () NO LANGUAGE WHERE DETAINED OR CITE NUMBER MONIKER CHARGE BOOKING NUMBER M. I.C. DRIVER'S LICENSE / STATE ID FIRST NAME MICHIEL NAME CODE ø al LAST NAME 008 AGE REY ETHNIC ORIGIN WEIGHT CELL PHONE (Area Code) RACE HAIR EYER HERENT RESIDENCE ADDRESS RESIDENCE PHONE (Area Code) STATE ZIP BUBINESS / SCHOOL (GRADE) ADDRESS CITY STATE ZIP BUSINESS PHONE (Area Code) AKA EMAIL ADDRESS SOCIAL NETWORKING ACCOUNT ENGLISH SPEAKING? [] YES [] NO LANGLAGE MONINER CHARGE BOOKING HUMBER WHERE DETAINED OR CITE NUMBER. SWORN EXP IN YRS VACATION DATES EMPLOYEE # DATE / TIME VACATION DATES PCD SUBMITTEDS ET YES JONO HO NOTIFICATION REQUESTED? ECIAL REQUEST DISTRIBUTION DNO

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COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT 019-07153-1578-056 134 INCIDENT REPORT CONTINUATION PAGE 3 OF 7 CLASSIFICATION #/ LEVEL / STAT CODE CLASSIFICATION #/ LEVEL / STAT CODE CLASSIFICATION #/LEVEL / STAT CODE VEHICLE LICENSE (STATE & NEMBER) YEAR MODEL BODY TYPE COLOR VEHICLE FOR VICTIM # REGISTERED OWNER **DENTIFYING FEATURES** VEHICLE FOR SUSPECT# STATUS D STOLEN D DAMAGED □ EMBEZZLED CHP 180 SUBMITTED? GARAGE NAME & PHOME 13 STORED EI IMPOUNDED E) DUTRIANDING DIYES DINO DESCRIPTION OF DAMAGE * W-WITNESS * 1-INFORMANT * R-REPORTING PARTY * P-PARTY BUSINESS / SCHOOL (CRACE) ADD BL SINESS PHONE (Area Code) ETHNIC DRIGIN EMAIL ADDRESS **BOCIAL NETWORKING ACCOUNT** CELL PHONE (Area Code) VICTIM OF SEX CRIME DESIROUS OF CONFIDENTIALITY? ENGUSH SPEAKING? Z YES CI NO VICTIM OF OFFENSE(5) (CLASSIFICATION) #: VICTIM DESIROUS OF PROSECUTION? DIYES DNO CI YES CINO LANGUAGE MODIE NAME BUSINESS / SCHOOL (GRADE) ACCRESS CMY SUSPICES PHONE (Area Ends) ETHNIC DRICK **EMAIL ADDRESS** SOCIAL NETWORKING ACCOUNT CELL PHONE (Area Code) VICTIM OF OFFENSE(S) (CLASSIFICATION) # VICTIM OF SEX CRIME DESIROUS OF CONFIDENTIALITY? ENGLISH SPEAKING? (C) YES [] NO VICTIM DESIROUS OF PROSECUTION? O YES DINO ANDUARE ETHING ORIGIN **ENAIL ADDRESS** SOCIAL NETWORKING ACCOUNT CELL PHONE (Area Code) VICTIM OF OFFENSE(3) (CLASSIFICATION) # VICTIM OF SEX CRIME DESIROUS OF CONFIDENTIALITY? | ENGLISH SPEAKING? DAYES | NO VICTIM DESIROUS OF PROSECUTION? ED YES DINO JANGUAGE CODE: S-SUSPECT . SJ-SUBJECT . M.-PATIENT . SV-SUSPECT/VICTIM . BJ/V-SUBJECT/VICTIM FIRST NAME MIDDLE NAME DRIVER'S LICENSE / STATE ID RACE ETHNIC ORIGIN EVE HEIGHT CELL PHONE (Area Code) RESIDENCE ADDRESS CITY STATE ZP RESIDENCE PHONE (Area Code) BUSINESS/SCHOOL (GRADE) ADDRESS BUSINESS PHONE (Area Cixte) EMAL ADDRESS ENGLISH SPEAKING? () YES () NO **SOCIAL NETWORKING ACCOUNT** ANGUAGE WHERE DETAINED OR CITE NUMBER MON-KER CHARGE BOOKING ALMBER LASTINAME FURST NAME MODIE NAME DRIVER'S LICENSE / STATE ID ETHNIC ORIGIN RACE HAIR EYES HEIGHT CELL PHONE (Area Cods) RESIDENCE ADDRESS RESIDENCE PHONE (Area Code) BUSINESS/SCHOOL (GRADE) ADDRESS CITY : . STATE ZP ___ BUSINESS PHONE (Area Code) AKA EMAIL ADDRESS SOCIAL NETWORKING ACCOUNT ENGLISH SPEAKING? [] YES [] NO

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019-07153-1578-056 134 COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT INCIDENT REPORT CONTINUATION CLASSIFICATION # / LEVEL / STAT CODE CLASSIFICATION OF LEVEL ESTAT CODE CLASSIFICATION # / LEVEL / STAT CODE VEHICLE LICENSE (STATE & NUMBER) YEAR MARKE MODEL BODY TYPE. COLOR VEHICLE FOR VICTIM# REGISTERED OWNER **CDENTIFYING FEATURES** VEHICLE FOR BUSPECT # EI STOLEN D DAMAGED D EMBEZZLED CHP 180 GUBNITTED? GARAGE NAME & PHONE D STORED TI SUPOUNDED C OUTETANDING HYES DINO DESCRIPTION OF DAMAGE CODE: V-VICTIM • W-WITNESS • I-INFORMANT • R-REPORTING PARTY • P-PARTY DRIVER'S LICENSE / BTATE ID GELES COUNTY DEPUTY RESIDENCE PHONE (Area Code) VICTIM OF OFFENSE(S) (CLASSIFICATION) #: ENGUER SPEAKING? TES INO VICTIM DESIROUS OF PROSECUTIONS VICTIM OF SEX CRIME DESIROUS OF CONFIDENTIALITY? D YES DNO DYES DNO LANGUAGE ... LASTNAME FIRST NAME MIDDLE MANE DOS DRIVER'S LICENSE / STATE ID RESIDENCE ADDRESS RESIDENCE PHONE (Area Code) BUSINESS / SCHOOL (GRADE) ADDRESS CITY STATE ZIP BUSINESS PHONE (Area Code) ETHNIC ORIGIN **EUALADDRESS** SOCIAL NETWORKING ACCOUNT CELL PHONE (Area Code) VICTIM OF OFFENSE(S) (CLASSIFICATION) # VICTIM DESIROUS OF PROSECUTION? VICTIM OF BEX CRIME DEBINGUE OF CONFIDENTIALITY? ENGLISH SPEAKING? [] YES [] NO A # TYES THO D YES DNO LANGUAGE ___ CODE of LASTNAME FIRST NAME MODILE NAME RACE DRIVER'S LICENSE / STATE ID DOS RESIDENCE ADDRESS STATE RESIDENCE PHONE (Area Code) ZF BUSINESS / SCHOOL (GRADE) ADDRESS CITY STATE 710 BUSINESS PHONE (Area Code) ETHNIC ORIGIN EMAIL ADDRESS SOCIAL NETWORKING ACCOUNT CELL PHONE (Area Code) VICTIM OF DEFENSE(S) (CLASSIFICATION) # ENGLISH SPEAKING? () YES () NO VICTIM DESIROUS OF PROSECUTION? VICTIM OF SEX CRIME DESIROUS OF CONFIDENTIALITY? CI YES CINC DYES DNO LANGUAGE 5-SUSPECT . SJ-SUBJECT . M-PATIENT . SV-SUSPECT/VICTIM . SJ/V-SUBJECT/VICTIM CODE FIRST MAME MITTILE NAME 008 AGE DRIVER'S LICENSE / STATE ID RACE ETHNIC DRIGIN EYES HEIGHT WEIGHT GELL PHONE (Area Code) RESIDENCE ADDRESS CITY STATE ZIP RESIDENCE PHONE (Area Code) BUSINESS / SCHOOL (GRADE) ADDRESS STATE BUSINESS PHONE (Area Code) AKA **BIAIL ADDRESS** SOCIAL NETWORKING ACCOUNT ENGLISH SPEAKING? II YES II NO WHERE DETAINED OR CITE NUMBER MONIKER CHARGE BOOMING NUMBER ... LAST NAME FIRST NAME MODILE NAME ORIVER'S LICENSE / STATE ID C005 σÌ DOSL AGE SEX RACE ETHNIC DRIGIN HAIR EVES HEIGHT CELL PHONE (Area Code) VACEBUHIT RESIDENCE ADDRESS STATE RESIDENCE PHONE (Area Code) ZIF BUSINESS / SCHOOL (GRADE) ADDRESS CITY STATE ZIP BUSINESS PHONE (Area Code)

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COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT

A TRADITION OF SERVICE

INCIDENT REPORT

URINE 819-07153-1578-056

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COUNTY OF	LOS ANGELE	S SHERIFF'S	DEPARTMENT
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PAGE 7 OF 7

I responded to Rexall Ave, Whittier, regarding an attempt suicide investigation. The call further stated the male wanted to be shot by police and he had a machete. Upon my arrival I was told the male, later identified by the suspect, had charged at the deputies with the machete. As a result, a deputy involved shooting occurred.

For further regarding this incident, see supplemental reports.